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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES OF AMERICA,) UNOPPOSED MOTION TO MODIFY
Plaintiff,) PROTECTIVE ORDER FOR DEFENSE
v.) TO USE JOINT DATABASE
DEVIN DUTSON,) Case No. 19CR171
Defendant.) Hon. ALAN JOHNSON

COMES NOW the Defendant, Devin Dutson, by and through his attorney Edwin S. Wall, hereby moves the Court to permit all defendants and defense counsel access to and use of a joint database in this case. The ability to share the database will enable all defense counsel to prepare for trial and save substantial resources associated with the cost of replication of the database.

Paralegals for Mr. Devin Dutson have prepared a database that contains un-redacted documents and discovery provided to Mr. Dutson’s counsel. Each of the defendants has been provided separate, albeit identical, discovery data to all of the defendants¹. The discovery data for each defendant has watermarks identifying the recipient defendant. The discovery data are completely identical, with the exception that some of the health information provided to one defendant may have a different bate stamp number in some instances; and, the digital pathways differ for each respective defendant based on how the data has been stored. To date, the database

¹ With the exception of specific personal financial information. Each defendant was provided with their own financial information relative to bank and retirement accounts.

has not been provided to counsel for Messrs. Matthew Ty Barrus or Gregory J. Bennett.

The database prepared by Mr. Dutson's paralegals use hypertext links to the discovery data provided to Mr. Devin Dutson. Over 100,000 hypertext links are used in the database and only functions based on the un-redacted discovery data provided to Mr. Dutson's counsel. It would cost a substantial amount of money (thousands of dollars) to reformat the database for each of the defendants, as the computer pathways for each defendant differs. However, if the Court permitted, each defendant and defense counsel could use the database, if provided a hard drive, with the discovery data provided to Mr. Devin Dutson.

On October 3, 2019, the Court entered a *Protective Order* (Dkt. 54) that controls and limits the discovery provided to each of the attorneys for their respective clients in this case. The *Protective Order* provides the parties must seek "prior authorization" from the court with regard to the un-redacted discovery data.

Counsel for all defendants, including their paralegals, investigators, and experts require access to the database to prepare for trial. Additionally, each of the defendants will benefit from access to the database. With regard to access to the database, the United States is in agreement at: (1) defense counsel, (2) any investigator or paralegal assisting defense counsel in this case, (3) any expert retained to assist in the defense of this case, and (4) each defendant when in the presence of at least one other defense team member.

The United States has been advised of and reviewed this motion and proposed order and does not oppose authorizing each defendant and defense attorney in this matter to have a copy of,

access and use of the un-redacted discovery data provided by the United States to Mr. Dutson, together with the database developed by Mr. Devin Dutson's paralegal, for preparation and use at trial with the proviso that access to the database be made to: (1) defense counsel, (2) any investigator or paralegal assisting defense counsel in this case, (3) any expert retained to assist in the defense of this case, and (4) each defendant when in the presence of at least one other defense team member.

DATED this December 9, 2021.

/s/ Edwin S. Wall
Edwin S. Wall
Attorney for the Defendant

CERTIFICATE OF SERVICE

I, Edwin S. Wall, hereby certify that on December 9, 2021, I served a copy of the attached STIPULATED MOTION TO MODIFY PROTECTIVE ORDER FOR DEFENSE TO USE JOINT DATABASE upon the counsel for the Plaintiff in this matter by CM/ECF or, if not available, by mailing it by first class mail with sufficient postage prepaid to the following address:

Eric Heimann, Esq. AUSA
United States Attorneys Office
2120 Capitol Avenue, Suite 4000
Cheyenne, WY 82001



Edwin S. Wall,
Attorney for the Defendant